

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
HINDS COUNTY, MISSISSIPPI**

**DR. DONALD RAGGIO
DR. CHRIS RAGGIO**

PLAINTIFFS

VS.

CAUSE NO. 14-CV-00071-TTG

MTGOX, *et al*

DEFENDANTS

AFFIDAVIT OF JED MCCALED

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

Jed McCaleb, being first duly sworn says:

1. My name is Jed McCaleb. I am over 18 years old. I understand the nature of an oath and I am otherwise competent to testify to the matters stated in this affidavit. I have personal knowledge of the facts set forth in this affidavit and, if called to testify, I could and would competently testify to the facts set forth herein.

2. I am the creator and former owner of the business MTGOX. MTGOX was created as an exchange which allowed users to purchase bitcoins from each other and redeem the contents of their accounts when desired. I was also the managing member of Code Collective, LLC, through which wire transfers were made.

3. In 2010, the Raggios opened an account on the MTGOX exchange, and began purchasing bitcoins from other users on the exchange.

4. The Raggios wire transferred funds to an account held by Code Collective, some of which was then used to purchase bitcoins for their MTGOX account from other MTGOX users.

5. The Raggios did not sign any contracts or agree to any terms of service in any way with me, individually or doing business as MTGOX, or with Code Collective, LLC.

6. The Raggios purchased approximately 9,400 bitcoins from other MTGOX users in January of 2011. The 9,400 bitcoins were placed into Plaintiffs' account on the MTGOX exchange. The value of 9,400 bitcoins was approximately \$3,100.00 at the time.

7. On January 9, 2011, Chris Raggio informed me that he believed someone had hacked the Raggios' MTGOX account and stolen 9,400 bitcoins.

8. On February 11, 2011, I sold the MTGOX business to Tibanne K.K.

9. The Raggios were aware I had sold the MTGOX business and had no authority or control over the business. A copy of an email from Chris Raggio to me dated December 21, 2011, evidencing this is attached as Exhibit 1 to this Affidavit.

10. The Raggios were aware that I had no knowledge of what was occurring with regard to the alleged theft of their bitcoins after the sale of the business, except for the information that was passed from the Raggios to me. A copy of an email from Don Raggio to me dated May 30, 2011, explaining "about the situation with Baron [the suspected thief]" and promising to "keep [me] posted on the outcome" of the theft is attached as Exhibit 2 to this Affidavit.

11. The market value of 9,400 bitcoins is now approximately \$6 million dollars.

FURTHER AFFIANT SAYETH NOT.

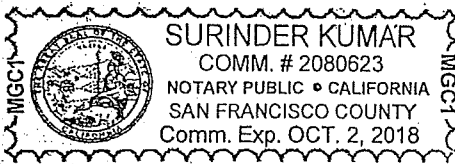


Jed McCaleb

SWORN TO AND SUBSCRIBED BEFORE ME, this 29 day of June, 2016.

NOTARY PUBLIC

(seal)



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California, County of SAN FRANCISCO
Subscribed and sworn to (or affirmed) before me on this 29th day
of JUNE 2016 by JED MCALEB
proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.

Signature Surinder Kumar (seal)

X-Mozilla-Status: 0001
X-Mozilla-Status2: 00000000
Delivered-To: jed@mtgox.com
Received: by 10.180.109.232 with SMTP id hv8cs77869wib;
Wed, 21 Dec 2011 18:18:57 -0800 (PST)
Received: by 10.14.48.66 with SMTP id u42mr3472718eeb.59.1324520335858;
Wed, 21 Dec 2011 18:18:55 -0800 (PST)
Return-Path: <chris.raggio@gmail.com>
Received: from mail-ee0-f53.google.com (mail-ee0-f53.google.com [74.125.83.53])
by mx.google.com with ESMTPS id q2si4762464eef.172.2011.12.21.18.18.55
(version=TLSv1/SSLv3 cipher=OTHER);
Wed, 21 Dec 2011 18:18:55 -0800 (PST)
Received-SPF: pass (google.com: domain of chris.raggio@gmail.com designates
74.125.83.53 as permitted sender) client-ip=74.125.83.53;
Authentication-Results: mx.google.com; spf=pass (google.com: domain of
chris.raggio@gmail.com designates 74.125.83.53 as permitted sender)
smtp.mail=chris.raggio@gmail.com; dkim=pass (test mode) header.i=@gmail.com
Received: by eekd41 with SMTP id d41so7930555eek.12
for <jed@mtgox.com>; Wed, 21 Dec 2011 18:18:55 -0800 (PST)
DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;
d=gmail.com; s=gamma;
h=mime-version:date:message-id:subject:from:to:content-type;
bh=Vp7CQCr8euCIRPIbafIqDFIHEi9Nzafei73ICDIWq8c=;
b=AoQPAsA+ikmODkPmTshdfBZOS6SgaqCvOIYVjHOVXWnP4ZePAaKnfeh0pl1by7
miSQL
sgSnmATu3iLFI5GycXH1MOVqKnX5tFLZ0s+JCVrqYsclSSRcrb5zhWfVSxIV5li1A
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MIME-Version: 1.0
Received: by 10.204.157.154 with SMTP id b26mr2658774bkx.101.1324520335577;
Wed, 21 Dec 2011 18:18:55 -0800 (PST)
Received: by 10.204.188.133 with HTTP; Wed, 21 Dec 2011 18:18:55 -0800 (PST)
Date: Wed, 21 Dec 2011 20:18:55 -0600
Message-ID:
<CALG=A06VKw-DrrqqnrWmCBLWv5Y04SY9wqoAPotPyh5J1U4seA@mail.gmail.com
>
Subject: hey
From: Chris Raggio <chris.raggio@gmail.com>
To: Jed McCaleb <jed@mtgox.com>
Content-Type: multipart/alternative; boundary=0015175dd9e219916504b4a4ecbe

--0015175dd9e219916504b4a4ecbe
Content-Type: text/plain; charset=ISO-8859-1

Hey Jed,

How's everything going? I'm feeling good. I think 2012 is going to be a

breakout year for bitcoin in terms of technology maturation, wider adoption, and increased exchange value which everyone is so focused on. I haven't been doing much with the technology. That is best left to guys like you who can code circles around me. I've been studying economics to try to understand how a currency as different from anything that has come before might change things. It's not easy. Economics is a social science and most of it makes no sense at all. Logical thinking is disadvantageous to anyone trying to learn what is accepted as truth in this field.

Just to let you know I e-mailed Mark asking him what he intends to do with the stolen coins. I haven't heard back from him yet. Originally he said he wanted to give "Baron a year to speak for himself." I don't know why we would bother with somebody who hides behind an alias and an altered passport but whatever. We are approaching the 1 year anniversary of the theft.

I'm not asking you to intervene on my or my father's behalf. Mark is the owner of Mt Gox now. It's his call whether he wants to make things right with us as he did with Bitomat. My father and I appreciate everything you did to investigate and pursue the thief. You didn't have to go to the lengths you went to for us. We thank you.

Have a nice holiday,

Chris

Date: Mon, 30 May 2011 10:52:46 -0500
Message-ID: <BANLkTiko0o0TKjz=KURqn4Q-UbJpk6Sbiw@mail.gmail.com>
Subject: Re:
From: Don Raggio <donald.raggio@gmail.com>
To: Jed McCaleb <jed@mtgox.com>
Content-Type: multipart/alternative; boundary=000e0cdf1bea4ff03304a48047be

--000e0cdf1bea4ff03304a48047be
Content-Type: text/plain; charset=ISO-8859-1

Jed,

Thanks for taking the time to talk to me. If I think of anything cool to do with bitcoin I'll let you know. Near the end of the call you asked about the situation with Baron. Here is what I know. Last I heard from Mark was that Baron was not willing to give the coins back voluntarily. Baron said that he wanted access to his funds. Mark said that he didn't feel comfortable just unilaterally handing the coins over to me. These funds I assume he is speaking of are the ones that you froze. Mark said that to resolve the issue he was seeking a "judgement" in a court, but that due to the disaster in Japan "legal processing" would be held up until later this year. That's honestly what he told me. I am glad you did what you could to take action against this scammer. Hopefully this will work and I will get the coins back. And if for some reason that doesn't work out maybe bitcoin will hit 1000 and what we will have more than enough regardless. By the way somebody did move the funds that were stolen from the address in a transaction dated 4-28. I asked Theymos to look at the block explorer and he reported the following.

"The scammer sent 2000 BTC to an address, and that address sent 200,000 BTC to MtGox: I'm pretty sure 1MqsE... is a MtGox address. You should inform Mark about this new development. The person who made that 200,000 BTC MtGox deposit is either the scammer or someone who dealt with him directly."

Mark claims that the address in question is not a MtGox address and that MtGox received no deposit as large as 200,000 BTC. Mark said that he didn't see any action that he could take at this time. I'll try to keep in touch with Mark (hopefully without pestering him). I'll keep you posted on the outcome.